

The characteristics as identified in the Specific Learning Disabilities definition are to include:

A. Evaluation for Specific Learning Disabilities shall meet the following standards:

1. To ensure that underachievement in a student suspected of having a **Specific Learning Disability** is not due to a lack of appropriate instruction (i.e., empirically **research-based** instruction that is rigorous, **systematic**, and peer-reviewed) in the student's State approved grade level standards, the following must be obtained:
  - a. Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction (i.e., empirically **research-based** instruction that is rigorous and **systematic** throughout all Tiers of instruction/intervention) in regular education settings, delivered by qualified and appropriately trained personnel; and
  - b. Data-based documentation of repeated assessments of achievement, reflecting **formative assessment** of student progress during intervention, which was provided to the student's parents at a minimum of once every four and one-half (4.5) weeks.
2. The student does not achieve adequately for the student's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or state-approved grade level standards:
  - a. Basic Reading Skills
  - b. Reading Fluency Skills
  - c. Reading Comprehension
  - d. Written Expression
  - e. Mathematics Calculation
  - f. Mathematics Problem Solving

An evaluation of Oral Expression and Listening Comprehension shall be completed pursuant to the Speech or Language Impairment eligibility standards. If a student has been evaluated by a Speech Language Pathologist and does not qualify as Language Impaired, then the IEP team may consider a **Specific Learning Disability** in either Oral Expression or Listening Comprehension if either continues to be a suspected area of disability; however, the rigorous intervention and **progress monitoring** standards must be met.

In order to substantiate inadequate achievement, an individual, standardized, and norm-referenced measure of academic achievement must be administered after initial consent is obtained in the area of suspected disability (i.e., Basic Reading Skills, Reading Fluency, Reading Comprehension, Written Expression, Mathematics Calculation, and Mathematics Problem Solving). Intensive intervention must occur within the tiers before inadequate classroom achievement can be assessed. The score from a standardized achievement test administered prior to receiving intensive intervention may not be used

to determine inadequate classroom achievement. The team will select assessment instruments that are sensitive to floor effects and developmental levels, especially for students in the primary grades.

3. The student does not make sufficient progress to meet age or state-approved grade-level standards in one or more areas (i.e., Basic Reading Skills, Reading Fluency, Reading Comprehension, Written Expression, Math Calculation, Mathematics Problem Solving) when using a process based on the student's responsiveness to scientific, **research-based** intervention in each area of suspected delay.

A lack of sufficient progress will be established by examining the student's **Rate of Improvement** (ROI) including a gap analysis and will be based on the following criteria:

- The rate of progress or improvement is less than that of his/her same-age peers, or
  - The rate of progress is the same as or greater than that of his/her same age peers but will not result in reaching the average range of achievement within a reasonable period of time.
4. The LEA must ensure that the child is observed in the student's learning environment (including the **general education** classroom setting) to document the student's academic performance and behavior in the areas of difficulty.

A pattern of strengths and weaknesses in performance shall be documented by two **systematic** observations in the area of suspected disability. One may be conducted by a **special education** teacher and one must be conducted by the School Psychologist or **certifying specialist**:

- a. **Systematic** observation of routine classroom instruction, and
- b. **Systematic** observation during intensive, scientific **research-based** or evidence-based intervention.

In the case of a student who is in a placement outside of the **local education agency** (LEA), a team member must observe the student in an environment appropriate for a student of that age.

5. The team must determine that underachievement is not primarily the result of Visual, Motor, or Hearing Disability, Intellectual Disability, Emotional Disturbance, Cultural Factors, Environmental or Economic Factors, Limited English Proficiency, or Excessive Absenteeism.

A measure of cognition is not required for all students referred to **special education** based on a suspected **Specific Learning Disability**. Only when the team suspects the student may be evidencing another disability (e.g. Intellectual Disability or Functional Delay) will a comprehensive measure of the student's intelligence be administered.

B. A student whose characteristics meet the definition of a student having a **Specific Learning Disability** may be identified as a student eligible for **special education** services if:

- 1) All of the aforementioned eligibility criteria are met, and
- 2) There is evidence, including observation and/or assessment, indicating how the Specific Learning Disabilities adversely impact the student's performance in or access to the **general education** curriculum.

C. Evaluation participants must include:

- 1) The parent or guardian;
- 2) The student's **general education** classroom teacher;
- 3) A licensed **special education** teacher;
- 4) At least one person qualified to conduct an individual **diagnostic evaluation** (i.e., School Psychologist and/or Speech-Language Pathologist); and
- 5) Other professional personnel as indicated (i.e., Occupational Therapist).

In the case of a private evaluation and/or diagnosis (e.g. Attention Deficit Hyperactivity Disorder or Visual Processing), the team should consider information presented to help inform instruction and intervention. The student must be provided academic interventions congruent with the RTI <sup>2</sup> guidelines if the team suspects the presence of a **Specific Learning Disability** as either a primary or secondary disability.

**Exclusionary/Rule-out Factors:**

Within the **special education** evaluation process, these factors must be ruled-out as the primary reason for the student's underachievement.

<b>Exclusionary Factor:</b>	<b>Source of Evidence:</b>
Visual, Motor, or Hearing Disability	Sensory screenings, medical records, observation
Intellectual Disability	Classroom performance, academic skills, language development, adaptive functioning (if necessary), IQ (if necessary)
Emotional Disturbance	Classroom observation, student records, family history, medical information, emotional/behavioral screenings (if necessary)
Cultural Factors	Level of performance and rate of progress compared to students from same ethnicity with similar backgrounds
Environmental or Economic Factors	Level of performance and rate of progress compared to students from similar economic backgrounds,

	situational factors that are student specific
Limited English Proficiency	Measures of language acquisition and proficiency (i.e., BICs and CALPs), level of performance and rate of progress compared to other ELL students with similar exposure to language and instruction
Excessive Absenteeism	Attendance records, number of schools attended within a 3 year period, tardies, absent for 23% of instruction and/or intervention

**Eligibility Determination:**

In order for a student's eligibility for **special education** services to be established, the team must complete and sign the Specific Learning Disabilities Assessment Documentation Form. This form will replace the typical comprehensive Psychoeducational Evaluation as it relates to a **Specific Learning Disability ONLY**. An Eligibility Report and a Prior Written notice indicating the student's eligibility determination must also be completed.